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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

In re J.L., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.L.,

Defendant and Appellant.

A144723

(Contra Costa County  
Super. Ct. No. J14-00671)

Thirteen-year-old J.L. committed a forcible lewd act on a child under the age of 14 (Pen. Code, § 288, subd. (b)) and a lewd act on a child under the age of 14 (*id.*, § 288, subd. (a)). He was committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ) following his admission of these offenses. The juvenile court denied J.L.'s motion to reconsider the commitment order. On appeal, J.L. challenges the order denying his motion for reconsideration, as well as the juvenile court's dispositional order, contending that the juvenile court abused its discretion in committing him to DJJ. We affirm.<sup>1</sup>

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<sup>1</sup> J.L. also filed a petition for writ of habeas corpus and request for judicial notice (No. A148009). We deferred the question of whether to issue an order to show cause pending this appeal. By separate order, we deny the habeas petition and request for judicial notice.

## **I. FACTUAL AND PROCEDURAL BACKGROUND**

An investigation revealed that J.L. and several other minor males from two middle schools and an elementary school were part of a group called “Very Important Pictures” (VIP). The group shared photographs of female minors in various states of undress through social media sites and phone applications. Five of the female minors who sent nude photographs to members of VIP reported to investigators that J.L. had repeatedly “badger[ed]” them until they complied.

In late 2013 and early 2014, J.L. repeatedly threatened to post on social media nude photos of a 13-year-old female classmate, Jane Doe One, if she did not give in to his demands for oral sex and additional nude photos.<sup>2</sup> She initially told J.L. “no” and attempted to avoid him, but eventually she complied with his demands by performing oral sex on at least seven separate occasions and sending him two more nude photographs. Jane Doe One believed J.L.’s threats because she heard he had posted similar nude pictures of his girlfriend, Jane Doe Two, on social media sites.

In February 2014, another student stole Jane Doe One’s iPod, and she feared getting in trouble with her parents. She later received a message with a picture of J.L. holding her iPod. In the message, J.L. told Jane Doe One that she would have to give him oral sex to get her iPod back. After complying with J.L.’s demands, Jane Doe One asked for her iPod back and J.L. said he did not know where it was. J.L. admitted to police that Jane Doe One orally copulated him on four separate occasions but claimed he never threatened to post her nude photographs.

Jane Doe Two was 13 years old and had been dating J.L. “on and off.” Between April 2013 and February 2014, J.L. also asked Jane Doe Two for nude pictures and threatened to post the pictures if she did not have sexual intercourse or orally copulate him. Jane Doe Two sent J.L. eight photographs of her buttocks and one of her in a bra. In addition, Jane Doe Two stated she complied with J.L.’s demands for oral sex on six occasions. They also had sex about five times between February and March 2014, after

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<sup>2</sup> Jane Doe One sent the first nude photo to J.L. voluntarily.

J.L. turned 14. Jane Doe Two initially said “no” to J.L.’s requests for oral copulation and intercourse, but J.L. “talked her into it by listing names of other girls he knew that would do it.” Jane Doe Two also stated J.L. would get jealous if she talked to other boys, would call her “ho” and “bitch,” and, when arguing, would threaten to show her photographs to others or to post them on social media sites. One of Jane Doe Two’s friends confirmed that she had seen such a photograph posted online.

Jane Doe Two’s mother reported that “[J.L.] can be very charming and nice, but as the relationship progressed, his behavior became arrogant, obsessive, possessive, manipulative, and mean. [Jane Doe Two] made multiple attempts to break off the relationship with [J.L.], at which point he would call her obscene names, show up at the house unannounced and uninvited, and would to the point of harassment, text and direct message [Jane Doe Two] and her mother, demanding to be contacted by [Jane Doe Two.]”

The Contra Costa County District Attorney filed a wardship petition, under Welfare and Institutions Code section 602,<sup>3</sup> charging J.L. with 14 counts of committing a lewd act on Jane Doe One, a child under the age of 14 (Pen. Code, § 288, subd. (a); counts 1–7 and 18–24), six counts of committing a forcible lewd act on Jane Doe One, a child under the age of 14 (*id.*, § 288, subd. (b)(1); counts 8–10 and 25–27), and another 14 counts of committing a lewd act on Jane Doe Two, a child under the age of 14 (*id.*, § 288, subd. (a); counts 11–17 and 28–34), and one count of possessing matter depicting a person under the age of 18 in sexual conduct (*id.*, § 311.11, subd. (a); count 35).

At a pretrial hearing, J.L. admitted one count of committing a forcible lewd act on Jane Doe One (Pen. Code, § 288, subd. (b)(1); count 27) and one count of committing a lewd act on Jane Done Two (*id.*, § 288, subd. (a); count 34). The remaining counts were dismissed. J.L. was ordered detained in juvenile hall pending disposition.

In advance of the disposition hearing, the probation officer recommended in his written report that J.L. be committed to DJJ for the maximum term of 12 years. The

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<sup>3</sup> Undesignated statutory references are to the Welfare and Institutions Code.

probation officer noted J.L. had no prior referrals and had never been arrested. J.L. achieved “passing” grades in school, with a GPA of approximately 2.21. On the advice of counsel, J.L. refused to speak to the probation officer regarding his offenses. Thus, it was “unknown” whether J.L. took responsibility or felt remorse for his offenses.

The probation officer also reported J.L.’s defiant and disrespectful behavior at juvenile hall. J.L. suffered multiple sanctions for conflicts with peers, not following directions, and swearing at staff. On one occasion, J.L. obtained the password to a classroom computer by looking over a technician’s shoulder. J.L. used this access to create a Twitter account and ask Jane Doe Two to write him at juvenile hall. Juvenile hall staff suspected J.L. deleted the browsing history in an attempt to avoid detection. When sanctioned for his behavior, J.L. refused to accept responsibility and yelled profanity and other insults at female staff. J.L. was assessed as a moderate risk for committing future sexual offenses.

The probation officer contacted three programs, Orin Allen Youth Rehabilitation Facility, the Youthful Offender Treatment Program, and the DJJ. When screened for commitment to Orin Allen Youth Rehabilitation Facility, J.L. was found unsuitable “due to the gravity of the offenses and his need for specialized juvenile sex offender treatment.” He was also found unsuitable for the Youthful Offender Treatment Program, due to his age and the absence of a juvenile sex offender treatment program. He was deemed “technically eligible, but not appropriate” for out-of-home placement (i.e., nonsecure group settings). The probation officer explained: “The gravity of the offense, [J.L.’s] behavior in the community, and his attitude towards the offense put the community at risk. He displayed sexual predatory behavior towards both victims. This minor has displayed poor behavior in custody and attempted to contact one of the victims by stealing a password and gaining access to the school department’s computer system within Juvenile Hall. The minor is a danger to the community and he needs a highly structured and more secure setting than out of home placement can provide.”

On the other hand, DJJ found J.L. to be an appropriate candidate for placement at its Sex Behavior Treatment Program facility in Stockton, which was reported to be “the

only evidence-based juvenile sex offender treatment facility program in the country.”<sup>4</sup> DJJ was a locked facility that would not permit J.L. to have a cell phone, would monitor his phone calls, and restrict his access to computers. The probation officer opined: “[J.L.], by most accounts, [is] a charming young man when things are going his way . . . . [¶] . . . However, when [others] assert their own individuality, particularly girls, he appears to become possessive and threatening to them . . . . A commitment to DJJ will allow [J.L.] to be placed in the only evidence-based sex offender treatment program in the country, and give him the time needed to rehabilitate, while in a secured environment that will protect his victims and not allow him to cultivate new ones.”

The court continued the disposition hearing for a psychological assessment of J.L. after the probation officer testified that her inpatient sex offender treatment recommendation was based only on the charged offenses and facts in the police report. The juvenile court also asked the probation officer to inquire into the suitability of Oakendell and Children’s Home of Stockton. The court indicated it wanted to consider all options, but that it would be a “very tough road” to persuade it to commit J.L. somewhere other than DJJ.

When the disposition hearing resumed, the juvenile court received a report from a psychologist retained by J.L.’s parents. The psychologist reported J.L. did not exhibit sexually deviant personality disorders, felt remorse, and could benefit from outpatient sex offender treatment. The probation officer advised the juvenile court that Oakendell found J.L. “not suitable” but Children’s Home of Stockton (a coeducation facility) would accept J.L. The court explained that Children’s Home of Stockton “[was not] a good option . . . because of the less serious offenders that they take [and] also because it is coed.” Oakendell and the DJJ were likely the most appropriate placements for J.L. The court again continued the disposition hearing so that Oakendell could personally interview J.L.

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<sup>4</sup> “Evidence-based” programs are “statistically proven through scientific method” to decrease recidivism.

At the continued disposition hearing, the juvenile court was advised that, after a telephone interview with J.L., Oakendell would accept him on the condition that he engage in the program for one month and not show “threatening or undermining behavior.” However, the court was also advised that Oakendell awards privileges to minors, allowing them to leave the facility for family visits, work in the community, and make phone calls that “are not actually supervised.”

At the conclusion of the contested dispositional hearing on January 9, 2015, the juvenile court adjudged J.L. a ward of the court and ordered his commitment to DJJ for a term not to exceed 12 years. In announcing its disposition order, the juvenile court stated: “[T]he court isn’t satisfied about the Children’s Home of Stockton being a good placement. [¶] And with regard to Oakendell, which is for a more serious offender, . . . it’s basically a very reluctant acceptance notice, the way I read it. . . . [I]t appears that given the seriousness of the offense, they’re very concerned . . . . I’m concerned about the supervision issues. I’m also concerned about there not being searches, and I’m also concerned about the internet. [¶] I believe that [J.L.] is very intelligent and the report indicates that he can be very manipulative. And one of the things that . . . has bothered me from the beginning . . . is that [J.L.] didn’t do this one time, but he did it several times. And so forcing a girl to do something against her will—and that’s what the [Penal Code, section] 288(b) charge is—one time is bad enough. Two times it’s terrible. Three times, it’s really awful. But to do it seven times, it’s just unbelievable.” The court further stated that DJJ was the best choice for J.L. because it offered an evidence-based sexual offender treatment program, “the only one in the country.”

After disposition, new counsel substituted in as counsel for J.L. and filed a “motion to reconsider the order of placement.” The motion reasserted less restrictive alternatives were available to J.L., specifically Optimist Youth Homes, Teen Triumph, and Martin’s Achievement Place.<sup>5</sup> Defense counsel also emphasized that if J.L. were committed to DJJ, he would be subject to lifetime registration as a sex offender under

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<sup>5</sup> J.L. cited section 734 as the statutory basis for the motion.

Penal Code section 290.008.<sup>6</sup> Furthermore, J.L. challenged the position that DJJ has the only evidence-based treatment program for sex offenders in the country. The juvenile court denied the reconsideration motion on March 27, and J.L. filed a notice of appeal on April 1.

## II. DISCUSSION

On appeal, J.L. argues that the juvenile court abused its discretion in committing him to DJJ. We conclude that the disposition order is no longer appealable and that, even if it were, the juvenile court did not abuse its discretion in making the commitment order.

### A. *Appealability*

In his April 1, 2015 notice of appeal, J.L. indicates he is appealing from three different orders—the jurisdiction order, the disposition order entered on January 9, 2015, and the March 27, 2015 order denying his motion for reconsideration. In his opening brief on appeal, J.L. abandons any challenge to the jurisdictional order and focuses solely on the latter two orders.

The disposition order was an appealable order (*In re Melvin S.* (1976) 59 Cal.App.3d 898, 900), and J.L. was required to file a notice of appeal within 60 days after oral pronouncement of the disposition order. (Cal. Rules of Court, rules 5.585 [“rules in title 8, chapter 5 govern appellate review of judgments and orders in cases under [§ 602]”], 8.406(a)(1) [“a notice of appeal must be filed within 60 days after the rendition of the judgment or the making of the order being appealed”]; § 800, subd. (a))

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<sup>6</sup> “Penal Code section 290.008 . . . sets forth the sex offender registration requirements for juveniles committed to [DJJ].” (*In re Edward C.* (2014) 223 Cal.App.4th 813, 822, fn. 2.) It specifically provides: “Any person who . . . is discharged or paroled from the Department of Corrections and Rehabilitation to the custody of which he or she was committed after having been adjudicated a ward of the juvenile court pursuant to [Welfare and Institutions Code section] 602 . . . because of the commission or attempted commission of any offense [defined in Penal Code, section 288] shall register in accordance with the Act. [¶] . . . [¶] . . . All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person who is required to register has his or her records sealed under the procedures set forth in [Welfare and Institutions Code section] 781.” (Pen. Code, § 290.008, subds. (a), (e).)

[“[a] judgment in a proceeding under section 601 or 602 may be appealed from, by the minor, in the same manner as any final judgment, and any subsequent order may be appealed from, by the minor, as from an order after judgment”]; *In re Alyssa H.* (1994) 22 Cal.App.4th 1249, 1252, 1254.) “Except as provided in rule 8.66 [applicable to public emergencies], no court may extend the time to file a notice of appeal.” (Cal. Rules of Court, rule 8.406(c).) Thus, in order to file a timely appeal from the disposition order, J.L. was required to file a notice of appeal within 60 days of January 9, 2015—or by no later than March 10, 2015. J.L.’s notice of appeal, filed on April 1, 2015, was not timely. (See *In re Gary R.* (1976) 56 Cal.App.3d 850, 853.)

At oral argument, J.L.’s counsel acknowledged his notice of appeal was not timely with respect to the disposition order and asserted, for the first time, that his appeal was only from the March 27 order denying the motion for reconsideration. J.L.’s notice of appeal may have been timely with respect to the order denying his motion for reconsideration, but it is not entirely clear such an order is separately appealable. (See § 800, subd. (a) [“any subsequent order may be appealed from, by the minor, as from an order after judgment”]; *In re Joe R.* (1970) 12 Cal.App.3d 80, 83 [order denying rehearing is not appealable], disapproved on other grounds by *In re Robert G.* (1982) 31 Cal.3d 437, 443–444; *In re Corey* (1964) 230 Cal.App.2d 813, 822 [“an order made after a hearing pursuant to section 778 is a proceeding after the original judgment and commitment substantially affecting the rights of the minor and . . . is [a] ‘subsequent order’ under section 800”].) However, we need not decide the question. Even if we assume that an order denying a motion for reconsideration is separately appealable or that J.L.’s motion for reconsideration extended the time to appeal from the disposition order, J.L. is not entitled to appellate relief.

**B. *Commitment to DJJ***

J.L. maintains the juvenile court abused its discretion by committing him to DJJ when less restrictive alternative placements existed. Specifically, he contends: “[T]he juvenile court abused its discretion in finding that a 12-year commitment to the [DJJ], which thereby triggered lifetime sex offender registration requirement, would provide

probable benefit to [J.L.] and that less restrictive means of rehabilitating [J.L.] were inappropriate. Less restrictive means, especially placement in Oakendell or another ‘out-of-home’ placement, would have provided substantial benefit to [J.L.] and would have been wholly appropriate given [J.L.’s] offense and background. The court’s decision to commit [J.L.] to DJJ was based on the incorrect assumption that [J.L.] would receive one-of-a-kind treatment at DJJ, not a consideration of the least restrictive means.” We disagree and affirm the commitment order.

J.L.’s position is that the juvenile court necessarily abused its discretion because he is a first-time ward, he was 13 at the time of the offenses, sex offender treatment was available at less restrictive facilities, and he had a preexisting relationship with his victims, which allegedly mitigates the seriousness of his offenses. We review an order committing a minor to DJJ for abuse of discretion. (*In re Carl N.* (2008) 160 Cal.App.4th 423, 431–432; *In re Asean D.* (1993) 14 Cal.App.4th 467, 473.) “ ‘We will not disturb the juvenile court’s findings when there is substantial evidence to support them. [Citation.] “ ‘In determining whether there was substantial evidence to support the commitment, we must examine the record presented at the disposition hearing in light of the purposes of the Juvenile Court Law.’ ” ’ ” (*In re Khalid B.* (2015) 233 Cal.App.4th 1285, 1288.)

“The purpose of juvenile delinquency laws is twofold: (1) to serve the ‘best interests’ of the delinquent ward by providing care, treatment, and guidance to rehabilitate the ward and ‘enable him or her to be a law-abiding and productive member of his or her family and the community,’ and (2) to ‘provide for the protection and safety of the public . . . .’ (§ 202, subds. (a), (b) & (d); [citations].)”<sup>7</sup> (*In re Charles G.* (2004)

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<sup>7</sup> Section 202, subdivision (a), provides: “The purpose of this chapter is to *provide for the protection and safety of the public* and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor’s family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. If removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. If the minor is removed from his or her own

115 Cal.App.4th 608, 614.) “In determining the judgment and order to be made in any case in which the minor is found to be a person described in Section 602, the court shall consider, in addition to other relevant and material evidence, (1) the age of the minor, (2) the circumstances and gravity of the offense committed by the minor, and (3) the minor’s previous delinquent history.” (§ 725.5.)

Commitment to DJJ is the most restrictive permissible sanction, intended for the most serious juvenile offenders. (§ 202, subd. (e)(5); *In re Teofilio A.* (1989) 210 Cal.App.3d 571, 578 (*Teofilio A.*)). Before 1984, California courts treated a commitment to DJJ’s predecessor, the California Youth Authority (CYA), as “ ‘the placement of last resort’ for juvenile offenders.” (*In re Carl. N.*, *supra*, 160 Cal.App.4th at p. 432.) “ ‘In 1984, the Legislature replaced the provisions of section 202 with new language which emphasized different priorities for the juvenile justice system. (Stats. 1984, ch. 756, §§ 1, 2, pp. 2726–2727.) The new provisions recognized punishment as a rehabilitative tool. (§ 202, subd. (b).) Section 202 also shifted its emphasis from a primarily less restrictive alternative approach oriented towards the benefit of the minor to

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family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.” (Italics added.)

Subdivision (b) of section 202 provides: “Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment, and guidance consistent with their best interest and the best interest of the public. Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. *This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter.* If a minor has been removed from the custody of his or her parents, family preservation and family reunification are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct when those goals are consistent with his or her best interests and the best interests of the public. When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community.” (Italics added.)

the express “protection and safety of the public” (§ 202, subd. (a); [citation]), where care, treatment, and guidance shall conform to the interests of public safety and protection. (§ 202, subd. (b).) [¶] Thus, it is clear that the Legislature intended to place greater emphasis on punishment for rehabilitative purposes and on a restrictive commitment as a means of protecting the public safety. This interpretation by no means loses sight of the “rehabilitative objectives” of the Juvenile Court Law. (§ 202, subd. (b).)’ ” (*Teofilio A.*, at pp. 575–576.) Accordingly, “when we assess the record in light of the purposes of the Juvenile Court Law [citation], we evaluate the exercise of discretion with punishment and public safety and protection in mind.” (*In re Lorenza M.* (1989) 212 Cal.App.3d 49, 58.)

The juvenile court’s discretion to commit a minor to DJJ is limited. (*Teofilio A.*, *supra*, 210 Cal.App.3d at p. 576.) “No ward of the juvenile court shall be committed to [DJJ] unless the judge of the court is fully satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that he will be benefited by the reformatory educational discipline or other treatment provided by the [DJJ].” (§ 734.) “[A DJJ] commitment must be based on a recent violent offense or sex crime adjudicated in a delinquency petition.” (*In re Greg F.* (2012) 55 Cal.4th 393, 404; accord, §§ 731, subd. (a)(4), 733, subd. (c).) And “it is an abuse of discretion to commit a minor to DJJ solely because of the absence of local less restrictive alternatives.” (*In re M.S.* (2009) 174 Cal.App.4th 1241, 1255.) “To support a [DJJ] commitment, it is required that there be evidence in the record demonstrating probable benefit to the minor, and evidence supporting a determination that less restrictive alternatives are ineffective or inappropriate.” (*Teofilio A.*, at p. 576; accord, *M.S.*, at p. 1250.)

We are not persuaded by J.L.’s reliance on *Teofilio A.*, *supra*, 210 Cal.App.3d 571. In that case, the minor, who had no prior record, was committed to CYA after the juvenile court found he had sold cocaine, violating former Health and Safety Code section 11352. (*Teofilio A.*, at p. 573.) The reviewing court reversed the disposition, as unsupported by the record. (*Id.* at pp. 577–579.) The record was “barren on [the] crucial issue” of less restrictive alternatives because the only evidence before the court (the probation officer’s report) showed no consideration of less restrictive alternatives or

“why such alternatives would be ineffective or inappropriate.” (*Id.* at p. 577.) In fact, no evidence suggested the minor was the kind of serious offender for whom CYA was intended. The court explained: “[The minor] had no criminal record; his conduct was not aggressive or assaultive; he was not armed; he threatened no one, and did not resist his arrest; his offense was a single \$60 sale of cocaine.” (*Id.* at p. 578.)

Here, in contrast, J.L. did not admit a single drug sale or, as he suggests, mere “immature and inappropriate” sexual behavior. Instead, J.L. admitted committing a forcible lewd act against Jane Doe One. This is one of the serious offenses for which the Legislature has specifically deemed a DJJ commitment appropriate. (§§ 731, subd. (a)(4), 707, subd. (b)(6).)<sup>8</sup> “The gravity of the offense is by statute a proper consideration at disposition.” (*In re Robert H.* (2002) 96 Cal.App.4th 1317, 1330.) Furthermore, the juvenile court not only considered the seriousness of the admitted forcible lewd act against Jane Doe One, but also properly considered the numerous dismissed counts, J.L.’s manipulative and predatory behavior with both victims, and his disregard for authority in juvenile hall.<sup>9</sup> (See *In re Jimmy P.* (1996) 50 Cal.App.4th 1679, 1681 [*“People v. Harvey* (1979) 25 Cal.3d 754 . . . , which precludes reliance upon the facts relating to charges dismissed as part of a plea bargain in reaching a sentencing decision, is inapplicable when a juvenile court determines the proper placement for a ward”].)

Nor can the record of the juvenile court’s consideration of less restrictive alternatives be described as “barren.” “[J]uvenile placements need not follow any

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<sup>8</sup> Section 731, subdivision (a)(4) provides in part: “(a) If a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 602, the court . . . may do any of the following: [¶] . . . [¶] (4) Commit the ward to the [DJJ], if the ward has committed an offense described in subdivision (b) of Section 707 or subdivision (c) of Section 290.008 if the Penal Code and is not otherwise ineligible for commitment to the division under Section 733.” (*Italics added.*)

<sup>9</sup> The probation officer’s testimony that J.L.’s defiance had “tapered off,” and J.L. “ha[d] been behaving quite well the last two weeks,” does not mean the juvenile court improperly relied on J.L.’s prior behavior at juvenile hall.

particular order under section 602 . . . , including from the least to the most restrictive. [Citations.] Nor does the court necessarily abuse its discretion by ordering the most restrictive placement before other options have been tried.” (*In re Eddie M.* (2003) 31 Cal.4th 480, 507.) “[A] commitment to [DJJ] ‘may be made in the first instance, without previous resort to less restrictive placements.’ ” (*In re Carl N.*, *supra*, 160 Cal.App.4th at p. 433; accord, *In re Asean D.*, *supra*, 14 Cal.App.4th at p. 473.) The juvenile court thoroughly considered the alternatives to DJJ and reasonably rejected them as inappropriate. The juvenile court could reasonably believe the probation officer’s assessment that J.L. needs structure and that “out-of-home placement” facilities were not sufficiently supervised or secure. The probation officer specifically pointed out that such placements allowed minors computer or cell phone access. At DJJ, in contrast, J.L. would not be permitted to have a cell phone and his access to computers and phone calls would be restricted and monitored. The juvenile court’s concerns regarding security and supervision were supported by substantial evidence showing J.L. used manipulation, electronic devices, and social media in committing his offenses. He also contacted a victim after his detention, minimized his offenses, exhibited little respect for authority at juvenile hall, and was assessed to be at moderate risk to reoffend.

The record simply does not support J.L.’s assertion that the juvenile court “casually rejected” any less restrictive alternative. The Youthful Offender Treatment Program was specifically deemed inappropriate because it did not accept offenders less than 16 years old and did not offer a sex-offender treatment program. Oakendell provided inadequate supervision and security, only “half-heartedly accepted” J.L., and provided sexual offender therapy primarily in group format. The court expressly rejected Optimist Youth Homes because it was coeducational; Teen Triumph’s program was too “light” for J.L.; and Martin’s Achievement Place allowed minors to work in the community and had been recently inspected and “found to be a place that we didn’t want to put kids.”

The record also does not support J.L.’s contention the juvenile court failed to consider that J.L. would be subject to lifetime sex offender registration if committed to

DJJ. Contrary to this assertion, the matter was raised and considered at the disposition hearing. We agree with the People that, even though this particular consequence of DJJ placement may be detrimental to J.L., the juvenile court did not abuse its discretion in concluding DJJ would provide probable benefit to J.L., as well as public safety. The court clearly considered DJJ to be in J.L.’s best interests because he would receive optimal sex offender treatment in a secure environment where he would be less likely to commit additional offenses. The question is not, as J.L. suggests, whether sex offender treatment at Oakendell could have benefited him. (See § 734; *Teofilio A.*, *supra*, 210 Cal.App.3d at pp. 575–576.) Regardless of whether other facilities provided “evidence-based” sex offender treatment, the court reasonably determined that public safety, as well as J.L.’s rehabilitation, would be at risk if a less restrictive disposition was made. The juvenile court did not abuse its discretion because it found J.L. would probably benefit from the services at DJJ *and* that less restrictive alternatives, including Oakendell, were inappropriate. (*In re Angela M.* (2003) 111 Cal.App.4th 1392, 1396; *Teofilio A.*, at pp. 575–576; *In re Gerardo B.* (1989) 207 Cal.App.3d 1252, 1258–1259.) Substantial evidence supports the juvenile court’s determination.

### III. DISPOSITION

The disposition order and order denying reconsideration are affirmed.

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BRUINIERS, J.

WE CONCUR:

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SIMONS, Acting P. J.

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NEEDHAM, J.